



SMALL CLAIMS COURT

Office of the Staff Judge Advocate, MacDill Air Force Base, Florida (813) 828-4422

Small Claims Court is a way to settle legal disputes of a civil nature in which the amount of damages or value of the property involved does not exceed \$5,000 (not including prejudgment interest, attorney's fees, and costs). There are certain advantages to resolving a dispute in Small Claims Court: (1) Often, you don't need an attorney to represent you because the procedures are usually simple enough for a lay person to understand; (2) The filing fees are minimal; and (3) usually, decisions can be obtained within a short period of time. Also, there are usually no juries.

Which Court Is Appropriate?

Once a Florida court has power (jurisdiction) over a defendant, it then has to determine which court in Florida is the appropriate court to bring the suit (proper venue). A defendant can be sued:

- (1) Where the contract was entered into;
- (2) Where any one or more of the defendants reside;
- (3) If the suit is to recover property or to foreclose a lien, where the property is located;
- (4) Where the event giving rise to the suit occurred;
- (5) Any location agreed to in a contract;
- (6) In an action for money due, if there is no agreement as to where suit may be filed, where payment is to be made;
- (7) If the suit is on an unsecured promissory note, where the note is signed or where the maker resides.

This means you can sue someone at the Hillsborough County Civil Small Claims Court if the defendant lives in Hillsborough County or any of the above factors apply.

How Do You File Your Claim?

Try to settle first: You can save yourself much time and expense if you discuss your case with the other side and try to come to a mutual agreement. However, speak to a Judge Advocate before signing anything! Much needless litigation occurs simply because people fail to talk to each other and compromise when advisable. If this doesn't work, then you should consider making a written demand on the other party. If that doesn't work, then you should consider going to Small Claims Court. What ever you do, speak to a Judge Advocate before signing anything!

Obtain the proper forms: Forms for Small claims court can be obtained on the web at <http://www.hillsclerk.com/publicweb/Forms.aspx>. The form is Cocv 1297, Statement of Claim (Not to exceed \$5000).

The Hillsborough County Clerk of Circuit Court Office has authored directions for how to file and where to get certain information. Its publication is printed starting on the next page.

Information For Filing Small Claims Suits \$5,000.00 Or Less

Filing Fees and Service Fees

See attached fee schedule for all fees pertaining to filing suit, service of summons and other related fees or you can access our Internet Web site at:

http://www.hillsclerk.com/publicweb/County_Civil_Fees.aspx

The Clerk's Office will charge a fee of \$1.00 per page for any copies made by the office.

Filing Your Claim

The person filing the case is the plaintiff; the person filed against is the defendant. The proper place to file suit is where the defendant resides or where the action took place. You must be 18 years old or older to file a suit; otherwise, a parent or legal guardian must file on your behalf. The Clerk may assist you and provide forms for claims that do not exceed \$5,000.00

You can sue an individual, a business or a corporation. If you sue a corporation, you need the name of the corporation and the name and title of an officer or the name of the registered agent to receive service of process. If you sue a business, you need the name of the business and the name(s) of the owner(s). You may find the information on the web site of the Secretary of State by entering WWW.SUNBIZ.ORG. In order for the defendant to be served, you must provide an address.

The Plaintiff should sign the claim before a notary or a deputy clerk. When your signature is witnessed by a deputy clerk, valid picture identification is required and a fee is charged.

Pursuant to Small Claims Rule 7.050 (a) (2), under certain circumstances, corporations may be represented by non-lawyers. A corporation may be represented at any stage of the trial court proceedings by an officer of the corporation or any employee authorized in writing by an officer of the corporation. Written authorization must be brought to the Pre-Trial Conference.

Documents Needed for Filing a Small Claims

- One original summons
- One original Statement of Claims
- One self addressed stamped envelope (if the documents are mailed to the Clerks Office)
- Any attachments or exhibits in support of the Statement of Claims

Service of Summons

A Pre-Trial summons and copy of the claim must be legally served on each defendant in one of the following ways:

1. Personal service by the Sheriff or process server in the county where the defendant resides. If requested, the Clerk will forward the summons for you to the Hillsborough County Sheriff. You must bring a money order or cashiers check, payable to the Sheriff. To avoid a service delay, you may take the summons to the Sheriff's office.

2. Certified mail. Certified mail can only be used when defendant resides within the State of Florida and the mail is addressed to the defendant's home address or post office box. Fees are payable to the Clerk of Circuit Court and may be included with the filing fees. Service by

certified mail may also be valid for a corporation. The letter must be addressed to the corporation in care of an officer or a registered agent.

The defendant(s) must be served before the Pre-Trial date. If the Sheriff of Hillsborough County serves the summons, you will be notified of service information if you have completed the postcard provided by the Sheriff's department and paid the postage. Postcards may be obtained from the Sheriff's office. The postcard must be submitted with the summons to the Sheriff's department. **If you do not receive notification that the defendant has been served, please contact the Clerk's office at (813)276-8100, extension 4362, on the day before the scheduled pre-trial.**

Copies Needed for Service of a Small Claims

- Two copies of the summons per defendant
- One copy of the Statement Of Claims per defendant
- One copy of any attachment of the Statement Of Claim per defendant

Pre-trial Hearing

The Pre-Trial hearing is usually scheduled within 30 to 50 days after the case is filed. The Pre-trial hearing is held for the defendant to admit or deny the claim. Both the plaintiff(s) and defendant(s) must appear at the date and time stated on the summons. If the plaintiff does not appear, the Court may dismiss the claim and the filing fee would be forfeited. If the defendant does not appear, the Court may award a judgment to the plaintiff. If the defendant appears and denies the claim, the Court may either set the case for final hearing or send the case to Mediation.

If you are awarded a judgment and payment has not been made by the judgment debtor, you may research the Florida Statutes to find out methods to collect the judgment. You may want to begin your research in [Florida Statutes 55](#).

The Court Does Not Guarantee Collection of Your Judgment

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS FUNCTION SHOULD CONTACT COUNTY CIVIL NOT LATER THAN ONE (1) DAY PRIOR TO THE FUNCTION AT (813)276-8100 Ext. 4362.

The material in this handout represents general legal advice. The law is continually changing; although the information in the handout was current as of the date it was drafted, some provisions in this pamphlet may have changed. It is always best to consult an attorney about your legal rights and responsibilities regarding your particular case.